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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

14 **NETCHOICE**

15 Plaintiff,

16 v.

18 **ROB BONTA, in his official capacity as
Attorney General of California,**

19 Defendant.

No. 5:24-cv-07885-EJD

**STIPULATION TO MODIFY
SCHEDULING ORDER RE FIRST-
PHASE DISCOVERY;
~~[PROPOSED]~~ ORDER**

Dept: 4 (Fifth Floor)
Judge: The Honorable Edward J. Davila
Trial Date: None set.
Action Filed: November 12, 2024

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Attorneys for Plaintiff NetChoice

Pursuant to Federal Rule of Civil Procedure 16(b)(4) and Local Rules 6-2 and 7-12, Plaintiff NetChoice, LLC, and Defendant Rob Bonta, in his official capacity as Attorney General of California (together, “the Parties”), hereby stipulate to modify the Scheduling Order Re First-Phase Discovery. ECF 71. The parties stipulate to a modified schedule moving all expert discovery to the second phase but leaving all other aspects of the schedule unchanged.

The Court previously ordered the following modifications in this case:

- On November 15, 2024, the Court granted as modified the Parties’ stipulation setting a briefing schedule and hearing on NetChoice’s motion for preliminary injunction, ECF 15;
- On January 9, 2025, the Court granted as modified the Parties’ stipulation to continue the status conference, ECF 54;
- On March 13, 2025, the Court granted in part and denied in part NetChoice’s motion to stay proceedings pending appeal, ECF 65;
- On April 9, 2025, the Court entered a Scheduling Order Re First-Phase Discovery, ECF 71.

The Parties stipulate that good cause exists for the following reasons:

WHEREAS, the Court has ordered that discovery “may proceed on a limited basis related to the Government’s interests and the means to achieve those interests” while NetChoice’s appeal is pending at the Ninth Circuit, ECF 65;

WHEREAS, in response to the Court’s order of March 31, 2025, ECF 69, the Parties jointly stated that “the scope of this initial discovery period should be limited to sources for which the parties do not anticipate seeking further discovery in the second discovery period,” ECF 70;

WHEREAS, on April 9, 2025, the Court entered the Scheduling Order Re First-Phase Discovery. ECF 71. The scheduling order did “not set any limits on second-phase discovery,” did not “express[] any opinion on the scope of second-phase discovery,” and was entered “without any prejudice to any party’s merits arguments,” *id.*;

WHEREAS, moving all expert discovery to the second phase would result in greater efficiency because it would relieve the Parties from potentially needing to seek additional discovery in the second phase from a source already utilized in the first phase;

WHEREAS, pursuant to Local Rule 6-2(a)(3), the Parties do not anticipate that the modification will have any other effect on the schedule for the case:

IT IS HEREBY STIPULATED AND AGREED, by and among the Parties, through their counsel of record, that the Parties shall adhere to the following modified schedule for first-phase discovery, which moves all expert discovery to the second phase of discovery but leaves all other aspects of the schedule unchanged, and which does not constitute a waiver of either party's ability to conduct discovery, including expert discovery, related to any subject matter, in the second phase or any other stage of the case:

Event	Deadline
Service of Rule 26 Disclosures	May 8, 2025
Last Day to Serve Written Discovery	July 24, 2025
Discovery Cutoff and Last Day to File Discovery Motions	October 23, 2025

Dated: April 25, 2025

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1 Dated: April 25, 2025

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 28, 2025



HON. EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE